INTERNET UNITED STATES OF AMER

INTERNET FORM NLRB-501

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER

	FORM EXEMPT UNDER 44 U.S.C 3512			
DO NOT WRITE IN THIS SPACE				
Case Date Filed				
01-CA-283965	10/5/2021			

INSTRUCTIONS

INSTRUCTIONS:		
File an original with NLRB Regional Director for the region in which th		ng.
	GAINST WHOM CHARGE IS BROUGHT	b. Tel. No.
a. Name of Employer		(401) 863-2600
Brown University		c. Cell No.
		C. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code)	e. Employer Representative	
47.0 OL 18 4007	(L) (C) (L) (7)(C)	g. e-Mail
47 George Street Box 1867	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C) @brown.edu
RI Providence 02912		h. Number of workers employed
		976
i. Type of Establishment (factory, mine, wholesaler, etc.)	j. Identify principal product or service	
Others	University	
k. The above-named employer has engaged in and is engaging	in unfair labor practices within the meaning of sec	ction 8(a), subsections (1) and (list
subsections) 5	of the National Lab	or Relations Act, and these unfair labor
practices are practices affecting commerce within the meanin		,
within the meaning of the Act and the Postal Reorganization A		nan practices allocally commerce
Basis of the Charge (set forth a clear and concise statement)		ractices)
2. Busis of the charge (see form a died and estimate statement	or the racte correctaining the alleged arrian racer pr	addioody
See additional page		
3. Full name of party filing charge (if labor organization, give full	name, including local name and number)	
(b) (6), (b) (7)(C) Title:	, ,	
Graduate Labor Orgazation		
4a. Address (Street and number, city, state, and ZIP code)		4b. Tel. No. (b) (6), (b) (7)(C)
177 North Main St		4c. Cell No.
RI Providenxe 02903		4d. Fax No.
		14.116.
		4e. e-Mail
		president@glounion.org
5. Full name of national or international labor organization of wh	nich it is an affiliate or constituent unit (to be filled	in when charge is filed by a labor
organization)		
American Federation of Teachers		
6. DECLARATION		Tel. No.
I declare that I have read the above charge and that the statements	are true to the best of my knowledge and belief.	(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)	(h) (6) (h) (7)(C)	Office, if any, Cell No.
By Title:	(b) (6), (b) (7)(C)	omoo, n unit, oon 110.
,	Print/type name and title or office, if any)	Fax No.
477 N. (I. M.). (I.		e-Mail
177 North Main St	10/05/2021 10:57:16 AM	president@glounion.org
Address Providenxe RI 02903	(date)	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Basis of the Charge

8(a)(5)

Within the previous six months, the Employer failed and refused to bargain in good faith with the union as the collective bargaining

representative of its employees by making unilateral changes in terms and conditions of employment.

List Changes	Approximate date of change
refusing to deduct dues from paychecks	09/28/2021



UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

Thomas P. O'Neill Jr. Federal Building

10 Causeway Street, Room 601

Boston, MA 02222-1001

Agency Website: www.nlrb.gov Telephone: (617) 565-6700 Fax: (617) 565-6725

Download NLRB Mobile App

October 5, 2021

(b) (6), (b) (7)(C)

REGION 1

GRADUATE LABOR ORGANIZATION, AMERICAN FEDERATION OF TEACHERS 177 NORTH MAIN STREET PROVIDENCE, RI 02903

Re: BROWN UNIVERSITY Case 01-CA-283965

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on October 05, 2021 has been docketed as case number 01-CA-283965. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney COLLEEN FLEMING whose telephone number is (857) 317-7785. If this Board agent is not available, you may contact Regional Director LAURA A. SACKS whose telephone number is (857) 317-7802.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Due to the nature of the allegations in the enclosed unfair labor practice charge, we have identified this case as one in which injunctive relief pursuant to Section 10(j) of the Act may be appropriate. Therefore, in addition to investigating the merits of the unfair labor practice allegations, the Board agent will also inquire into those factors relevant to making a determination as to whether or not 10(j) injunctive relief is appropriate in this case. Accordingly, please include your position on the appropriateness of Section 10(j) relief when you submit your evidence relevant to the investigation.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

<u>Correspondence</u>: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, <u>www.nlrb.gov</u>. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB

office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

Michael C. Case

MICHAEL C. CASS Acting Regional Director

MCC/rg



UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

REGION 1 Thomas P. O'Neill Jr. Federal Building 10 Causeway Street, Room 601 Boston, MA 02222-1001

Agency Website: www.nlrb.gov Telephone: (617) 565-6700 Fax: (617) 565-6725 Download NLRB Mobile App

October 5, 2021

(b) (6), (b) (7)(C)

BROWN UNIVERSITY 47 GEORGE STREET, BOX 1867 PROVIDENCE, RI 02912

> Re: BROWN UNIVERSITY Case 01-CA-283965

Dear (b) (6), (b) (7)(C)

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney COLLEEN FLEMING whose telephone number is (857) 317-7785. If this Board agent is not available, you may contact Regional Director LAURA A. SACKS whose telephone number is (857) 317-7802.

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If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly. **Due to the nature of the allegations in the enclosed unfair labor practice charge, we have identified this case as one in which injunctive relief pursuant to Section 10(j) of the Act may be appropriate.

Therefore, in addition to investigating the merits of the unfair labor practice allegations, the**

Board agent will also inquire into those factors relevant to making a determination as to whether or not 10(j) injunctive relief is appropriate in this case. Accordingly, please include your position on the appropriateness of Section 10(j) relief when you submit your evidence relevant to the investigation.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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Case 01-CA-283965

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

MICHAEL C. CASS Acting Regional Director

Michael C. Case

MCC/rg

Enclosures:

- 1. Copy of Charge
- 2. Commerce Questionnaire

FORM NLRB-5081 (3-11)	NATIONAL LABO	OR RELAT	IONS BOARD			
	TIONNAIRE ON C	OMMER	CE INFORMA	TION		
Please read carefully, answer all applicable items, and	return to the NLRB Office	. If additiona	I space is required. r	olease add a page	and identify item number	_
CASE NAME			оршоо то точинош, р		ASE NUMBER	
				0	1-CA-283965	
1. EXACT LEGAL TITLE OF ENTITY (As filed	l with State and/or state	ed in legal de	ocuments forming e	entity)		
2. TYPE OF ENTITY						
[] CORPORATION [] LLC [] LLP	[] PARTNERSHIP	[] SOLE I	PROPRIETORSHIP	[] OTHER	(Specify)	
3. IF A CORPORATION or LLC						
A. STATE OF INCORPORATION	B. NAME, ADDRE	ESS, AND R	ELATIONSHIP (e.g	g. parent, subsidia	ry) OF ALL RELATED	ENTITIES
OR FORMATION						
4. IF AN LLC OR ANY TYPE OF PARTNERS:	HIP. FULL NAME ANI	D ADDRES	S OF ALL MEMBI	ERS OR PARTN	VERS	
	,,					
5. IF A SOLE PROPRIETORSHIP, FULL NAM	IE AND ADDRESS OF	PROPRIE	FOR			
6. BRIEFLY DESCRIBE THE NATURE OF Y	OUR OPERATIONS (P	Products hand	dled or manufactured	d, or nature of se	rvices performed).	
7A. PRINCIPAL LOCATION:	7B.	BRANCH	LOCATIONS:			
8. NUMBER OF PEOPLE PRESENTLY EMPI	OYED					
A. TOTAL:	B. AT THE ADDR	ESS INVOL	VED IN THIS MAT	TER:		
A. TOTAL: 9. DURING THE MOST RECENT (Check the a)
9. DURING THE MOST RECENT (Check the a	ppropriate box): [] CA	LENDAR	[] 12 MONTHS	or [] FISCAI	YES) NO
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PRIVACY ACT STATEMENT

E-MAIL ADDRESS

DATE

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

SIGNATURE

NAME AND TITLE (Type or Print)

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

BR	OI	\mathcal{N}		VIV	ÆR	SITY	7
$\mathbf{D}\mathbf{R}$	\mathbf{v}	7 V I S	U	11		\mathbf{o}	

Charged Party

and

Case 01-CA-283965

GRADUATE LABOR ORGANIZATION, AMERICAN FEDERATION OF TEACHERS

Charging Party

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on October 5, 2021, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C) **BROWN UNIVERSITY** 47 GEORGE STREET, BOX 1867 PROVIDENCE, RI 02912

Date

October 5, 2021

Robert Gaffney, Designated Agent of NLRB

Name

/S/ Robert Gaffney Signature

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

GRADUATE LABOR ORGANIZATION	
and	CASE 01-CH-283965
800 A00 /	TOO IN ADDRESS OF THE VALUE OF STATE OF THE
BROWN UNIVERSITY	01-CA-283984 01-CA-283991
REGIONAL DIRECTOR EXECUTIVE SECRETARY NATIONAL LABOR RELATIONS BOARD Washington, DC 20570	GENERAL COUNSEL NATIONAL LABOR RELATIONS BOARD Washington, DC 20570
THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATE	IVE OF Brown
IN THE ABOVE-CAPTIONED MATTER.	
CHECK THE APPROPRIATE BOX(ES) BELOW: REPRESENTATIVE IS AN ATTORNEY	
IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE TO CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY V DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMEN CASEHANDLING MANUAL.	ADDITION TO THOSE DESCRIBED BELOW, THIS VILL RECEIVE ONLY COPIES OF CERTAIN
(REPRESENTATIVE INFORM	MATION)
NAME: Rhonda Hospedales, Sr. MAILING ADDRESS: 350 Eddy St., Pro	Director of Labor Relations ovidence, RI
	Shan a adu
e-MAIL ADDRESS: Y hondy - hospedgles office Telephone NUMBER: (401) 863-3896	abrown edu
CELL PHONE NUMBER: (609) 433-499-	FAX: (401)863-9329
al Al	//
SIGNATURE: Menda Norgada	1-
DATE: (Please sign in ink.) // 05/2021	

 $^{^{\}rm I}$ if case is pending in Washington and notice of appearance is sent to the general counsel or the executive secretary, a copy should be sent to the regional director of the region in which the case was filed so that those records will reflect the appearance.



UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

SUBREGION 34 450 Main St Ste 410 Hartford, CT 06103-3078 Agency Website: www.nlrb.gov Telephone: (860)240-3522 Fax: (860)240-3564

November 19, 2021

(b) (6), (b) (7)(C)

Graduate Labor Organization, American Federation of Teachers 177 North Main Street Providence, RI 02903

Re: BROWN UNIVERSITY Case 01-CA-283965

Dear (b) (6), (b) (7)(C):

The Subregion has carefully considered the charge alleging that the Employer violated the National Labor Relations Act. As explained below, I have decided that further proceedings on the charge should be handled in accordance with the deferral policy of the National Labor Relations Board as set forth in *Collyer Insulated Wire*, 192 NLRB 837 (1971), and *United Technologies Corp.*, 268 NLRB 557 (1984). This letter explains that deferral policy, the reasons for my decision to defer further processing of the charge, and the Charging Party's right to appeal my decision.

Deferral Policy: The Board's deferral policy provides that the Board will postpone making a final determination on a charge when a grievance involving the same issue can be processed under the grievance/arbitration provision of the applicable contract. This policy is partially based on the preference that the parties use their contractual grievance procedure to achieve a prompt, fair, and effective settlement of their disputes. Therefore, if an employer agrees to waive contractual time limits and process the related grievance through arbitration if necessary, the Board's Subregional Office will defer the charge.

Decision to Defer: Based on our investigation, I am deferring further proceedings on the charge in this matter to the grievance/arbitration process for the following reasons:

- 1. The Employer and Union have a collective-bargaining agreement currently in effect that provides for final and binding arbitration.
- 2. The allegation that Employer made a unilateral change by refusing to deduct dues/fair share fees from bargaining-unit employees' paychecks in September of 2021 without bargaining with the Union in violation of Sections 8(a)(5) and (1) of the Act is encompassed by the terms of the collective-bargaining agreement.

- 3. The Employer is willing to process a grievance concerning the issues in the charge and will arbitrate the grievance if necessary. The Employer has also agreed to waive any time limitations in order to ensure that the arbitrator addresses the merits of the dispute.
- 4. Since the issues in the charge appear to be covered by provisions of the collective-bargaining agreement, it is likely that the issues may be resolved through the grievance/arbitration procedure.

Further Processing of the Charge: As explained below, while the charge is deferred, the Subregional office will monitor the processing of the grievance and, under certain circumstances, will resume processing of the charge.

Charging Party's Obligation: Under the Board's Collyer deferral policy, the Charging Party has an affirmative obligation to file a grievance, if a grievance has not already been filed. If the Charging Party fails either to promptly submit the grievance to the grievance/arbitration process or declines to have the grievance arbitrated if it is not resolved, I may dismiss the charge.

Charged Party's Conduct: If the Charged Party prevents or impedes resolution of the grievance, raises a defense that the grievance is untimely filed, or refuses to arbitrate the grievance, I will revoke deferral and resume processing of the charge.

Monitoring the Dispute: Approximately every 90 days, the Subregional Office will ask the parties about the status of this dispute to determine if the dispute has been resolved and if continued deferral is appropriate. However, at any time, a party may present evidence and request dismissal of the charge, continued deferral of the charge, or issuance of a complaint.

Notice to Arbitrator Form: If the grievance is submitted to an arbitrator, please sign and submit to the arbitrator the enclosed "Notice to Arbitrator" form to ensure that the Subregion receives a copy of an arbitration award when the arbitrator sends the award to the parties.

Review of Arbitrator's Award or Settlement: If the grievance is arbitrated or settled, the Charging Party may ask the Board to review the arbitrator's award or settlement. The request must be in writing and addressed to me. If the request concerns an arbitrator's award, the request should analyze whether the arbitration process was fair and regular, whether the unfair labor practice allegations in the charge were considered by the arbitrator, and whether the award is consistent with the Act. Further guidance on this review is provided in Spielberg Manufacturing Company, 112 NLRB 1080 (1955) and Olin Corp., 268 NLRB 573 (1984). If the request concerns a grievance settlement, see Alpha Beta, 273 NLRB 1546 (1985). These Board decisions are available on our website, www.nlrb.gov.

Change in Standards if Parties Agree to Submit Statutory Issue to Arbitrator: If during the processing of the grievance the parties agree to authorize the arbitrator to decide the statutory issue, please advise me in writing.

Charging Party's Right to Appeal: The Charging Party may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: You must file your appeal electronically or provide a written statement explaining why electronic submission is not possible or feasible. Written instructions for the NLRB's E-Filing system and the Terms and Conditions of the NLRB's E-Filing policy are available at www.nlrb.gov. See User Guide. A video demonstration which provides step-by-step instructions and frequently asked questions are also available at www.nlrb.gov. If you require additional assistance with E-Filing, please contact e-Filing@nlrb.gov.

You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. If you cannot file electronically, please send the appeal and your written explanation of why you cannot file electronically to the **General Counsel** at the **National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on December 3, 2021. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed no later than 11:59 p.m. Eastern Time on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than December 2, 2021. If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely. If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before December 3, 2021.** The request may be filed electronically through the *E-File Documents* link on our website www.nlrb.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after December 3, 2021, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor requests to limit our use of appeal statements or evidence. Upon a request under the Freedom of Information Act (FOIA) by a party during the

processing of an appeal, the Agency's FOIA Branch discloses appeal statements, redacted for personal privacy, confidential source protection, or other applicable FOIA exemptions. In the event the appeal is sustained, any statement or material submitted may be introduced as evidence at a hearing before an administrative law judge. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Very truly yours,

Laura A. Sacks Regional Director

Michael C. Case

By:

Michael C. Cass Officer in Charge

Enclosures

cc: (b) (6), (b) (7)(C)

Brown University 47 George Street Box 1867 Providence, RI 02912

Rhonda Hospedales, Sr. Director of Employee and Labor Relations Brown University - HR South Street Landing 350 Eddy Street Providence, RI 02912

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD NOTICE TO ARBITRATOR

TO:			
	(Arbitrator)	
	(Address)		
			NLRB Case Number 01-CA-283965
NLR	B Case Name:	BROWN UNIVERSI	ТҮ
NLRE proceed the un In Cha	Relations Board to ac 3 charge in the above- ed to arbitration before So that the Officer In dersigned hereby requarge, Subregion 34, a	Iministratively defer to an noted matter. Further, but you in order to resolve to Charge can be promptly lests that a copy of the art the A.A. Ribicoff Fede	r in Charge of Subregion 34 of the National bitration the further processing of the oth parties to the NLRB case have agreed to the disputes underlying the NLRB charge. In informed of the status of the arbitration, bitration award be forwarded to the Officer aral Building, 450 Main Street, Suite 410, it is sent to the parties to the arbitration.
		-	(Name)
		-	(Title)

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD

APPEAL FORM

Date:

To: General Counsel

Attn: Office of Appeals National Labor Relations Board 1015 Half Street SE
Washington, DC 20570-0001
I am appealing the action of the Regional Director in deferring the charge in
BROWN UNIVERSITY
Case Name(s).
01-CA-283965
Case No(s). (If more than one case number, include all case numbers in which appeal is taken.)
(Signature)

E-FILING TO APPEALS

- 1. **Extension of Time**: This document is used when the Charging Party is asking for more time to efile an Appeal.
 - If an Extension of Time is e-filed, and there are additional documents to be e-filed simultaneously with it, please e-file those documents under the selection **Correspondence**.
 - After an Extension of Time has already been e-filed, any **additional** materials to add to the Extension of Time should be e-filed under **Correspondence**.
- 2. **File an Appeal**: If the Charging Party does not agree with the Region's decision on the case, an Appeal can be e-filed.
 - Only one (1) Appeal can be e-filed to each determination in the Region's decision letter that is received.
 - After an Appeal has been e-filed, any **additional** materials to add to the Appeal should be e-filed under **Correspondence**.
- 3. **Notice of Appearance**: Either party can e-file a Notice of Appearance if there is a new counsel representing one side or a different counsel.
 - This document is only e-filed with the Office of Appeals after a decision has been made by the Region.
 - This document can be e-filed **before** an Appeal is e-filed.
- 4. **Correspondence**: Parties will **select** Correspondence when adding documents or supplementing the Appeal or Extension of Time.
 - Correspondence is used to e-file documents after an Extension of Time, Appeal or Notice of Appearance has been e-filed.
- 5. **Position Statement**: The Charging Party or Charged Party may e-file a Position Statement.
 - The Charging Party will e-file this document as a supplement of the Appeal.
 - The Charged Party will specifically file one to support the Region's decision.
 - This document should be e-filed **after** an **Extension of Time, Appeal** or **Notice of Appearance** has been e-filed.
- 6. **Withdrawal Request**: If the Charging Party decides to no longer pursue their appeal, he/she can e-file a Withdrawal Request to the Office of Appeals.
 - This document should be e-Filed after an Extension of Time, Appeal or Notice of Appearance has been e-filed.



7. The selections of **Evidence** or **Other** should no longer be used.

INTERNET FORM NLRB-501

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD

CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE				
Case	Date Filed			
01-CA-283991	10/5/2021			

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring. 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT b. Tel. No. a. Name of Employer (401) 863-2600 Brown University c. Cell No. f. Fax No. e. Employer Representative d. Address (Street, city, state, and ZIP code) g. e-Mail 47 George Street (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) @brown.edu RI Providence 02912 h. Number of workers employed 976 i. Type of Establishment (factory, mine, wholesaler, etc.) j. Identify principal product or service Others University k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act. 2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) --See additional page--3. Full name of party filing charge (if labor organization, give full name, including local name and number) (b) (6), (b) (7)(C) Title: President Graduate Labor Organization 4b. Tel. No. 4a. Address (Street and number, city, state, and ZIP code) (b) (6), (b) (7)(C) 4c. Cell No. 177 North Main Street RI Providence 02903 4d. Fax No. 4e. e-Mail president@glounion.org 5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) American Federation of Teachers Tel. No. 6. DECLARATION declare that I have read the above charge and that the statements are true to the best of my knowledge and belief. (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Office, if any, Cell No. (signature of representative or person making charge) (Print/type name and title or office, if any) Fax No. e-Mail 177 North Main Street 10/05/2021 11:14:21 AM president@glounion.org Address Providence RI 02903 (date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Basis of the Charge

8(a)(5)

Within the previous six months, the Employer failed and refused to bargain in good faith with the union as the collective bargaining representative of its employees by making unilateral changes in terms and conditions of employment.

List Changes	Approximate date of change
Failure to Appropriately Notify Union Security	07/16/2021



UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

Thomas P. O'Neill Jr. Federal Building

10 Causeway Street, Room 601

Boston, MA 02222-1001



Agency Website: www.nlrb.gov
Telephone: (617) 565-6700
Fax: (617) 565-6725

Mo

Download NLRB Mobile App

October 6, 2021

(b) (6), (b) (7)(C)

REGION 1

GRADUATE LABOR ORGANIZATION, AMERICAN FEDERATION OF TEACHERS 177 NORTH MAIN STREET PROVIDENCE, RI 02903

Re: BROWN UNIVERSITY Case 01-CA-283991

Dear (b) (6), (b) (7)(C)

The charge that you filed in this case on October 05, 2021 has been docketed as case number 01-CA-283991. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney COLLEEN FLEMING whose telephone number is (857) 317-7785. If this Board agent is not available, you may contact Regional Director LAURA A. SACKS whose telephone number is (857) 317-7802.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

<u>Correspondence</u>: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, <u>www.nlrb.gov</u>. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

Michael C. Casa

MICHAEL C. CASS Acting Regional Director

MCC/rg



UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

REGION 1 Thomas P. O'Neill Jr. Federal Building 10 Causeway Street, Room 601 Boston, MA 02222-1001

Agency Website: www.nlrb.gov Telephone: (617) 565-6700 Fax: (617) 565-6725 Download NLRB Mobile App

October 6, 2021

(b) (6), (b) (7)(C)

BROWN UNIVERSITY 47 GEORGE STREET PROVIDENCE, RI 02912

> Re: BROWN UNIVERSITY Case 01-CA-283991

Dear (b) (6), (b) (7)(C)

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney COLLEEN FLEMING whose telephone number is (857) 317-7785. If this Board agent is not available, you may contact Regional Director LAURA A. SACKS whose telephone number is (857) 317-7802.

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<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

Michael C. Casa

MICHAEL C. CASS Acting Regional Director

MCC/rg

Enclosures:

- 1. Copy of Charge
- 2. Commerce Questionnaire

FORM NLRB-5081 (3-11)	NATIONAL LABOR RELA	TIONS BOARD					
	ONNAIRE ON COMME	RCE INFORMATION					
Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.							
CASE NAME			ASE NUMBER				
		0	1-CA-283991				
1. EXACT LEGAL TITLE OF ENTITY (As filed w	ith State and/or stated in legal	documents forming entity)					
2. TYPE OF ENTITY							
[] CORPORATION [] LLC [] LLP []	PARTNERSHIP [] SOLE	PROPRIETORSHIP [] OTHER	(Specify)				
3. IF A CORPORATION or LLC							
A. STATE OF INCORPORATION	B. NAME, ADDRESS, AND	RELATIONSHIP (e.g. parent, subsidia	ary) OF ALL RELATED E	NTITIES			
OR FORMATION							
4. IF AN LLC OR ANY TYPE OF PARTNERSHIP	 P, FULL NAME AND ADDRE	SS OF ALL MEMBERS OR PART	NERS				
5. IF A SOLE PROPRIETORSHIP, FULL NAME	AND ADDRESS OF PROPRI	ETOR					
6. BRIEFLY DESCRIBE THE NATURE OF YOU	R OPERATIONS (Products ha	ndled or manufactured, or nature of se	rvices performed).				
7A. PRINCIPAL LOCATION:	7B. BRANCE	H LOCATIONS:					
8. NUMBER OF PEOPLE PRESENTLY EMPLOY							
A. TOTAL:		DLVED IN THIS MATTER:					
9. DURING THE MOST RECENT (Check the appn) No			
9. DURING THE MOST RECENT (Check the appr	copriate box): [] CALENDAR	[] 12 MONTHS or [] FISCAL	YES	NO NO			
	copriate box): [] CALENDAR	[] 12 MONTHS or [] FISCAL	YES) NO			
DURING THE MOST RECENT (Check the approach A. Did you provide services valued in excess of \$50,0 \$ B. If you answered no to 9A, did you provide services	propriate box): [] CALENDAR Output	your State? If no, indicate actual value	YES	NO NO			
9. DURING THE MOST RECENT (Check the approach A. Did you provide services valued in excess of \$50,0 \$	propriate box): [] CALENDAR Output	your State? If no, indicate actual value	YES	NO NO			
DURING THE MOST RECENT (Check the approach Did you provide services valued in excess of \$50,0 B. If you answered no to 9A, did you provide services goods valued in excess of \$50,000 from directly our provided. \$	propriate box): [] CALENDAR [your State? If no, indicate actual value customers in your State who purchased the value of any such services you	YES	NO NO			
9. DURING THE MOST RECENT (Check the approach A. Did you provide services valued in excess of \$50,0 \$	propriate box): [] CALENDAR 100 directly to customers outside 100 svalued in excess of \$50,000 to a 100 to a 10	your State? If no, indicate actual value customers in your State who purchased the value of any such services you	YES	NO NO			
DURING THE MOST RECENT (Check the approach of \$50,0 \$	propriate box): [] CALENDAR [your State? If no, indicate actual value customers in your State who purchased the value of any such services you 000 to public utilities, transit systems, ducational institutions, or retail concern	YES	NO NO			
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PRIVACY ACT STATEMENT

SIGNATURE

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

E-MAIL ADDRESS

DATE

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

		UNI		

Charged Party

and

Case 01-CA-283991

GRADUATE LABOR ORGANIZATION, AMERICAN FEDERATION OF TEACHERS

Charging Party

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on October 6, 2021, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)	
BROWN UNIVERSITY 47 GEORGE STREET PROVIDENCE, RI 02912	
October 6, 2021	Robert Gaffney, Designated Agent of NLRB
Date	Name
	/a/ (D 0 , C 00
	/s/ Robert Gaffney
	Signature



UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

SUBREGION 34 450 Main St Ste 410 Hartford, CT 06103-3078 Agency Website: www.nlrb.gov Telephone: (860)240-3522 Fax: (860)240-3564

November 19, 2021

(b) (6), (b) (7)(C)

Graduate Labor Organization, American Federation of Teachers 177 North Main Street Providence, RI 02903

Re: BROWN UNIVERSITY Case 01-CA-283991

Dear Ms. Ramamurthy:

The Subregion has carefully considered the charge alleging that the Employer violated the National Labor Relations Act. Regarding the allegation that the Employer made a unilateral change by failing to appropriately notify bargaining-unit employees of their union security obligations, I approve the request to withdraw that portion of the charge. With respect to the remaining allegation in the charge regarding the Employer's alleged unilateral change by continuing to employ bargaining-unit emloyees who are not in compliance with dues/fair share fee obligations, I have decided that further proceedings on this allegation of the charge should be handled in accordance with the deferral policy of the National Labor Relations Board as set forth in *Collyer Insulated Wire*, 192 NLRB 837 (1971), and *United Technologies Corp.*, 268 NLRB 557 (1984). This letter explains that deferral policy, the reasons for my decision to defer further processing of this allegation in the charge, and the Charging Party's right to appeal my decision.

Deferral Policy: The Board's deferral policy provides that the Board will postpone making a final determination on a charge when a grievance involving the same issue can be processed under the grievance/arbitration provision of the applicable contract. This policy is partially based on the preference that the parties use their contractual grievance procedure to achieve a prompt, fair, and effective settlement of their disputes. Therefore, if an employer agrees to waive contractual time limits and process the related grievance through arbitration if necessary, the Board's Subregional Office will defer the charge.

Decision to Defer: Based on our investigation, I am deferring further proceedings on the remaining portions of the charge in this matter to the grievance/arbitration process for the following reasons:

1. The Employer and the GRADUATE LABOR ORGANIZATION, AMERICAN FEDERATION OF TEACHERS have a collective-bargaining agreement currently in effect that provides for final and binding arbitration.

- 2. The allegation that Employer made a unilateral change by continuing to employ bargaining-unit emloyees who are not in compliance with dues/fair share fee obligations without bargaining with the Union in violation of Sections 8(a)(5) and (1) of the Act is encompassed by the terms of the collective-bargaining agreement.
- 3. The Employer is willing to process a grievance concerning the issues in the charge and will arbitrate the grievance if necessary. The Employer has also agreed to waive any time limitations in order to ensure that the arbitrator addresses the merits of the dispute.
- 4. Since the issues in the charge appear to be covered by provisions of the collective-bargaining agreement, it is likely that the issues may be resolved through the grievance/arbitration procedure.

Further Processing of the Charge: As explained below, while the charge is deferred, the Subregional office will monitor the processing of the grievance and, under certain circumstances, will resume processing of the charge.

Charging Party's Obligation: Under the Board's Collyer deferral policy, the Charging Party has an affirmative obligation to file a grievance, if a grievance has not already been filed. If the Charging Party fails either to promptly submit the grievance to the grievance/arbitration process or declines to have the grievance arbitrated if it is not resolved, I may dismiss the charge.

Charged Party's Conduct: If the Charged Party prevents or impedes resolution of the grievance, raises a defense that the grievance is untimely filed, or refuses to arbitrate the grievance, I will revoke deferral and resume processing of the charge.

Monitoring the Dispute: Approximately every 90 days, the Subregional Office will ask the parties about the status of this dispute to determine if the dispute has been resolved and if continued deferral is appropriate. However, at any time, a party may present evidence and request dismissal of the charge, continued deferral of the charge, or issuance of a complaint.

Notice to Arbitrator Form: If the grievance is submitted to an arbitrator, please sign and submit to the arbitrator the enclosed "Notice to Arbitrator" form to ensure that the Subregion receives a copy of an arbitration award when the arbitrator sends the award to the parties.

Review of Arbitrator's Award or Settlement: If the grievance is arbitrated or settled, the Charging Party may ask the Board to review the arbitrator's award or settlement. The request must be in writing and addressed to me. If the request concerns an arbitrator's award, the request should analyze whether the arbitration process was fair and regular, whether the unfair labor practice allegations in the charge were considered by the arbitrator, and whether the award is consistent with the Act. Further guidance on

this review is provided in *Spielberg Manufacturing Company*, 112 NLRB 1080 (1955) and *Olin Corp.*, 268 NLRB 573 (1984). If the request concerns a grievance settlement, see *Alpha Beta*, 273 NLRB 1546 (1985). These Board decisions are available on our website, www.nlrb.gov.

Change in Standards if Parties Agree to Submit Statutory Issue to Arbitrator: If during the processing of the grievance the parties agree to authorize the arbitrator to decide the statutory issue, please advise me in writing.

Charging Party's Right to Appeal: The Charging Party may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: You must file your appeal electronically or provide a written statement explaining why electronic submission is not possible or feasible. Written instructions for the NLRB's E-Filing system and the Terms and Conditions of the NLRB's E-Filing policy are available at www.nlrb.gov. See User Guide. A video demonstration which provides step-by-step instructions and frequently asked questions are also available at www.nlrb.gov. If you require additional assistance with E-Filing, please contact e-Filing@nlrb.gov.

You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. If you cannot file electronically, please send the appeal and your written explanation of why you cannot file electronically to the **General Counsel** at the **National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on December 3, 2021. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed no later than 11:59 p.m. Eastern Time on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than December 2, 2021. If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely. If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before December 3, 2021.** The request may be filed electronically through the *E-File Documents* link on our website www.nlrb.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after December 3, 2021, **even if it is**

postmarked or given to the delivery service before the due date. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor requests to limit our use of appeal statements or evidence. Upon a request under the Freedom of Information Act (FOIA) by a party during the processing of an appeal, the Agency's FOIA Branch discloses appeal statements, redacted for personal privacy, confidential source protection, or other applicable FOIA exemptions. In the event the appeal is sustained, any statement or material submitted may be introduced as evidence at a hearing before an administrative law judge. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Very truly yours,

Laura A. Sacks Regional Director

Michael C. Case

By:

Michael C. Cass Officer in Charge

Enclosures

cc: (b) (6), (b) (7)(C)

Brown University 47 George Street Providence, RI 02912

Rhonda Hospedales, Sr. Director of Employee and Labor Relations Brown University - HR South Street Landing 350 Eddy Street Providence, RI 02912

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD NOTICE TO ARBITRATOR

TO:		
_	(Arbitrator)	
_	(Address)	
		NLRB Case Number 01-CA-283991
NLRB	Case Name: BROWN UNIVER	SITY
Labor Ro NLRB c proceed S the unde In Charg	elations Board to administratively harge in the above-noted matter. It to arbitration before you in order to that the Officer In Charge can be exigned hereby requests that a copy ge, Subregion 34, at the A.A. Rib	the Officer in Charge of Subregion 34 of the National defer to arbitration the further processing of the Further, both parties to the NLRB case have agreed to o resolve the disputes underlying the NLRB charge. The promptly informed of the status of the arbitration, yof the arbitration award be forwarded to the Officer icoff Federal Building, 450 Main Street, Suite 410, time that it is sent to the parties to the arbitration.
		(Name)
		(Title)

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD

APPEAL FORM

Date:

To: General Counsel

Attn: Office of Appeals National Labor Relations Board 1015 Half Street SE
Washington, DC 20570-0001
I am appealing the action of the Regional Director in deferring the charge in
BROWN UNIVERSITY
Case Name(s).
D1-CA-283991
Case No(s). (If more than one case number, include all case numbers in which appeal is taken.)
(Signature)
(Signature)

E-FILING TO APPEALS

- 1. **Extension of Time**: This document is used when the Charging Party is asking for more time to efile an Appeal.
 - If an Extension of Time is e-filed, and there are additional documents to be e-filed simultaneously with it, please e-file those documents under the selection **Correspondence**.
 - After an Extension of Time has already been e-filed, any **additional** materials to add to the Extension of Time should be e-filed under **Correspondence**.
- 2. **File an Appeal**: If the Charging Party does not agree with the Region's decision on the case, an Appeal can be e-filed.
 - Only one (1) Appeal can be e-filed to each determination in the Region's decision letter that is received.
 - After an Appeal has been e-filed, any **additional** materials to add to the Appeal should be e-filed under **Correspondence**.
- 3. **Notice of Appearance**: Either party can e-file a Notice of Appearance if there is a new counsel representing one side or a different counsel.
 - This document is only e-filed with the Office of Appeals after a decision has been made by the Region.
 - This document can be e-filed **before** an Appeal is e-filed.
- 4. **Correspondence**: Parties will **select** Correspondence when adding documents or supplementing the Appeal or Extension of Time.
 - Correspondence is used to e-file documents **after** an **Extension of Time, Appeal** or **Notice of Appearance** has been e-filed.
- 5. **Position Statement**: The Charging Party or Charged Party may e-file a Position Statement.
 - The Charging Party will e-file this document as a supplement of the Appeal.
 - The Charged Party will specifically file one to support the Region's decision.
 - This document should be e-filed after an Extension of Time, Appeal or Notice of Appearance has been e-filed.
- 6. **Withdrawal Request**: If the Charging Party decides to no longer pursue their appeal, he/she can e-file a Withdrawal Request to the Office of Appeals.
 - This document should be e-Filed **after** an **Extension of Time, Appeal** or **Notice of Appearance** has been e-filed.



7. The selections of **Evidence** or **Other** should no longer be used.

INTERNET FORM NLRB-501

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER

DC	NOT	WRITE	IM '	PILLE	CDV	CE
\mathbf{D}	1101	VVICILE	11.4	і піз	SEA	

Case

01-CA-283984

Date Filed 10/5/2021

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring. 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT b. Tel. No. a. Name of Employer (401) 863-2600 Brown University c. Cell No. f. Fax No. d. Address (Street, city, state, and ZIP code) e. Employer Representative g. e-Mail 47 George Street Box 1867 (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) @brown.edu RI providence 02912 h. Number of workers employed 976 i. Type of Establishment (factory, mine, wholesaler, etc.) j. Identify principal product or service Others University k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act. 2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) --See additional page--3. Full name of party filing charge (if labor organization, give full name, including local name and number) (b) (6), (b) (7)(C) Graduate Labor Orgazation 4b. Tel. No. 4a. Address (Street and number, city, state, and ZIP code) (b) (6), (b) (7)(C) 4c. Cell No. 177 North Main St RI PROVIDENCE 02903 4d. Fax No. 4e. e-Mail president@glounion.org 5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) American Federation of Teachers Tel. No. 6. DECLARATION the above charge and that the statements are true to the best of my knowledge and belief. (b) (6), (b) (7)(C) Office, if any, Cell No. Title: (signature of representative or person making charge) (Print/type name and title or office, if any) Fax No. e-Mail 177 North Main St 10/05/2021 11:09:11 AM president@glounion.org Address_PROVIDENCE RI 02903 (date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Basis of the Charge

8(a)(5)

Within the previous six months, the Employer failed and refused to bargain in good faith with the union as the collective bargaining

representative of its employees by making unilateral changes in terms and conditions of employment.

List Changes	Approximate date of change
Residency Requirement Imposition	07/29/2021
Third Party Payroll Compensation Change	07/29/2021



UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD



Agency Website: www.nlrb.gov Telephone: (617) 565-6700 Fax: (617) 565-6725

Download NLRB Mobile App

October 5, 2021

(b) (6), (b) (7)(C)

REGION 1

GRADUATE LABOR ORGANIZATION AMERICAN FEDERATION OF TEACHERS 177 NORTH MAIN STREET PROVIDENCE, RI 02903

Thomas P. O'Neill Jr. Federal Building

10 Causeway Street, Room 601

Boston, MA 02222-1001

Re: BROWN UNIVERSITY Case 01-CA-283984

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on October 5, 2021 has been docketed as case number 01-CA-283984. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney COLLEEN FLEMING whose telephone number is (857) 317-7785. If this Board agent is not available, you may contact Regional Director LAURA A. SACKS whose telephone number is (857) 317-7802.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

<u>Correspondence</u>: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, <u>www.nlrb.gov</u>. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

Michael C. Casa

MICHAEL C. CASS Acting Regional Director

MCC/rg



UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

REGION 1 Thomas P. O'Neill Jr. Federal Building 10 Causeway Street, Room 601 Boston, MA 02222-1001

Agency Website: www.nlrb.gov Telephone: (617) 565-6700 Fax: (617) 565-6725 Download NLRB Mobile App

October 5, 2021

(b) (6), (b) (7)(C)

BROWN UNIVERSITY 47 GEORGE STREET, BOX 1867 PROVIDENCE, RI 02912

> Re: BROWN UNIVERSITY Case 01-CA-283984

Dear (b) (6), (b) (7)(C)

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney COLLEEN FLEMING whose telephone number is (857) 317-7785. If this Board agent is not available, you may contact Regional Director LAURA A. SACKS whose telephone number is (857) 317-7802.

<u>Right to Representation</u>: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

- 2 -

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

Michael C. Casa

MICHAEL C. CASS Acting Regional Director

MCC/rg

Enclosures:

- 1. Copy of Charge
- 2. Commerce Questionnaire

FORM NLRB-5081 (3-11)	NATIONAL LABOR REL	ATIONS BOARD				
	TIONNAIRE ON COMMI	ERCE INFORMATION				
Please read carefully, answer all applicable items, and	Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.					
CASE NAME			CASE NUMBER			
			01-CA-283984			
1. EXACT LEGAL TITLE OF ENTITY (As filed	with State and/or stated in lega	documents forming entity)				
2. TYPE OF ENTITY						
[] CORPORATION [] LLC [] LLP	[] PARTNERSHIP [] SOL	E PROPRIETORSHIP [] OTHE	R (Specify)			
3. IF A CORPORATION or LLC						
A. STATE OF INCORPORATION	B. NAME, ADDRESS, ANI	RELATIONSHIP (e.g. parent, subsid	iary) OF ALL RELATED 1	ENTITIES		
OR FORMATION						
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SIGNATURE

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations
Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71
Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause
the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

E-MAIL ADDRESS

DATE

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

BROWN UNIVERSITY

Charged Party

and

Case 01-CA-283984

GRADUATE LABOR ORGANIZATION, AMERICAN FEDERATION OF TEACHERS

Charging Party

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on October 5, 2021, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)

BROWN UNIVERSITY 47 GEORGE STREET, BOX 1867 PROVIDENCE, RI 02912

October 5, 2021	Robert Gaffney, Designated Agent of NLRB
Date	Name
	/S/ Robert Gaffney
	Signature



UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

SUBREGION 34 450 Main St Ste 410 Hartford, CT 06103-3078 Agency Website: www.nlrb.gov Telephone: (860)240-3522 Fax: (860)240-3564

November 19, 2021

(b) (6), (b) (7)(C)

Graduate Labor Organization, American Federation of Teachers 177 North Main St Providence, RI 02903

Re: BROWN UNIVERSITY Case 01-CA-283984

Dear (b) (6), (b) (7)(C):

The Subregion has carefully considered the charge alleging that the Employer violated the National Labor Relations Act. Regarding the allegation that the Employer refused to provide information about the use of a third-party payroll company to pay certain employees, I approve the request to withdraw that portion of the charge. With respect to the remaining allegation in the charge regarding the Employer's alleged unilateral change by imposing a residency requirement on bargaining-unit employees and using a third-party payroll compensation company, I have decided that further proceedings on this allegation of the charge should be handled in accordance with the deferral policy of the National Labor Relations Board as set forth in *Collyer Insulated Wire*, 192 NLRB 837 (1971), and *United Technologies Corp.*, 268 NLRB 557 (1984). This letter explains that deferral policy, the reasons for my decision to defer further processing of this allegation in the charge, and the Charging Party's right to appeal my decision.

Deferral Policy: The Board's deferral policy provides that the Board will postpone making a final determination on a charge when a grievance involving the same issue can be processed under the grievance/arbitration provision of the applicable contract. This policy is partially based on the preference that the parties use their contractual grievance procedure to achieve a prompt, fair, and effective settlement of their disputes. Therefore, if an employer agrees to waive contractual time limits and process the related grievance through arbitration if necessary, the Board's Subregional Office will defer the charge.

Decision to Defer: Based on our investigation, I am deferring further proceedings on the remaining portions of the charge in this matter to the grievance/arbitration process for the following reasons:

1. The Employer and Union have a collective-bargaining agreement currently in effect that provides for final and binding arbitration.

- 2. The allegation that Employer made a unilateral change by imposing a residency requirement on bargaining-unit employees and using a third-party payroll compensation company without bargaining with the Union in violation of Sections 8(a)(5) and (1) of the Act is encompassed by the terms of the collective-bargaining agreement.
- 3. The Employer is willing to process a grievance concerning the issues in the charge and will arbitrate the grievance if necessary. The Employer has also agreed to waive any time limitations in order to ensure that the arbitrator addresses the merits of the dispute.
- 4. Since the issues in the charge appear to be covered by provisions of the collective-bargaining agreement, it is likely that the issues may be resolved through the grievance/arbitration procedure.

Further Processing of the Charge: As explained below, while the charge is deferred, the Subregional office will monitor the processing of the grievance and, under certain circumstances, will resume processing of the charge.

Charging Party's Obligation: Under the Board's Collyer deferral policy, the Charging Party has an affirmative obligation to file a grievance, if a grievance has not already been filed. If the Charging Party fails either to promptly submit the grievance to the grievance/arbitration process or declines to have the grievance arbitrated if it is not resolved, I may dismiss the charge.

Charged Party's Conduct: If the Charged Party prevents or impedes resolution of the grievance, raises a defense that the grievance is untimely filed, or refuses to arbitrate the grievance, I will revoke deferral and resume processing of the charge.

Monitoring the Dispute: Approximately every 90 days, the Subregional Office will ask the parties about the status of this dispute to determine if the dispute has been resolved and if continued deferral is appropriate. However, at any time, a party may present evidence and request dismissal of the charge, continued deferral of the charge, or issuance of a complaint.

Notice to Arbitrator Form: If the grievance is submitted to an arbitrator, please sign and submit to the arbitrator the enclosed "Notice to Arbitrator" form to ensure that the Subregion receives a copy of an arbitration award when the arbitrator sends the award to the parties.

Review of Arbitrator's Award or Settlement: If the grievance is arbitrated or settled, the Charging Party may ask the Board to review the arbitrator's award or settlement. The request must be in writing and addressed to me. If the request concerns an arbitrator's award, the request should analyze whether the arbitration process was fair and regular, whether the unfair labor practice allegations in the charge were considered

by the arbitrator, and whether the award is consistent with the Act. Further guidance on this review is provided in *Spielberg Manufacturing Company*, 112 NLRB 1080 (1955) and *Olin Corp.*, 268 NLRB 573 (1984). If the request concerns a grievance settlement, see *Alpha Beta*, 273 NLRB 1546 (1985). These Board decisions are available on our website, www.nlrb.gov.

Change in Standards if Parties Agree to Submit Statutory Issue to Arbitrator: If during the processing of the grievance the parties agree to authorize the arbitrator to decide the statutory issue, please advise me in writing.

Charging Party's Right to Appeal: The Charging Party may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: You must file your appeal electronically or provide a written statement explaining why electronic submission is not possible or feasible. Written instructions for the NLRB's E-Filing system and the Terms and Conditions of the NLRB's E-Filing policy are available at www.nlrb.gov. See User Guide. A video demonstration which provides step-by-step instructions and frequently asked questions are also available at www.nlrb.gov. If you require additional assistance with E-Filing, please contact e-Filing@nlrb.gov.

You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. If you cannot file electronically, please send the appeal and your written explanation of why you cannot file electronically to the **General Counsel** at the **National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on December 3, 2021. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed no later than 11:59 p.m. Eastern Time on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than December 2, 2021. If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely. If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before December 3, 2021.** The request may be filed electronically through the *E-File Documents* link on our website www.nlrb.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any

request for an extension of time to file an appeal received after December 3, 2021, even if it is postmarked or given to the delivery service before the due date. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor requests to limit our use of appeal statements or evidence. Upon a request under the Freedom of Information Act (FOIA) by a party during the processing of an appeal, the Agency's FOIA Branch discloses appeal statements, redacted for personal privacy, confidential source protection, or other applicable FOIA exemptions. In the event the appeal is sustained, any statement or material submitted may be introduced as evidence at a hearing before an administrative law judge. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Very truly yours,

Laura A. Sacks Regional Director

Michael C. Case

By:

Michael C. Cass Officer in Charge

Enclosures

cc:

(b) (6), (b) (7)(C)

Brown University 47 George Street Box 1867 Providence, RI 02912

Rhonda Hospedales, Sr. Director of Employee and Labor Relations Brown University - HR South Street Landing 350 Eddy Street Providence, RI 02912

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD NOTICE TO ARBITRATOR

TO:		
-	(Arbitrator)	
-	(Address)	
		NLRB Case Number 01-CA-283984
NLRB	Case Name: BROWN UNIVE	ERSITY
Labor R NLRB of proceed the under	Relations Board to administratively of charge in the above-noted matter. For to arbitration before you in order to So that the Officer In Charge can be ersigned hereby requests that a copy ge, Subregion 34, at the A.A. Ribi	the Officer in Charge of Subregion 34 of the National defer to arbitration the further processing of the Turther, both parties to the NLRB case have agreed to presolve the disputes underlying the NLRB charge. The promptly informed of the status of the arbitration, which of the arbitration award be forwarded to the Officer coff Federal Building, 450 Main Street, Suite 410, time that it is sent to the parties to the arbitration.
		(Name)
		(Title)

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD

APPEAL FORM

Date:

To: General Counsel

E-FILING TO APPEALS

- 1. **Extension of Time**: This document is used when the Charging Party is asking for more time to efile an Appeal.
 - If an Extension of Time is e-filed, and there are additional documents to be e-filed simultaneously with it, please e-file those documents under the selection **Correspondence**.
 - After an Extension of Time has already been e-filed, any **additional** materials to add to the Extension of Time should be e-filed under **Correspondence**.
- 2. **File an Appeal**: If the Charging Party does not agree with the Region's decision on the case, an Appeal can be e-filed.
 - Only one (1) Appeal can be e-filed to each determination in the Region's decision letter that is received.
 - After an Appeal has been e-filed, any **additional** materials to add to the Appeal should be e-filed under **Correspondence**.
- 3. **Notice of Appearance**: Either party can e-file a Notice of Appearance if there is a new counsel representing one side or a different counsel.
 - This document is only e-filed with the Office of Appeals after a decision has been made by the Region.
 - This document can be e-filed **before** an Appeal is e-filed.
- 4. **Correspondence**: Parties will **select** Correspondence when adding documents or supplementing the Appeal or Extension of Time.
 - Correspondence is used to e-file documents **after** an **Extension of Time, Appeal** or **Notice of Appearance** has been e-filed.
- 5. **Position Statement**: The Charging Party or Charged Party may e-file a Position Statement.
 - The Charging Party will e-file this document as a supplement of the Appeal.
 - The Charged Party will specifically file one to support the Region's decision.
 - This document should be e-filed **after** an **Extension of Time, Appeal** or **Notice of Appearance** has been e-filed.
- 6. **Withdrawal Request**: If the Charging Party decides to no longer pursue their appeal, he/she can e-file a Withdrawal Request to the Office of Appeals.
 - This document should be e-Filed after an Extension of Time, Appeal or Notice of Appearance has been e-filed.



7. The selections of **Evidence** or **Other** should no longer be used.